



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                    |                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LANCE CHEBIN - NACMIAS LAW FIRM</b><br>592 PACIFIC STREET<br>NEW YORK, NY 11217 | <b>Summons No: 000828535Y et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>CINTAS CORPORATION</b><br><br><b>Hearing Date: 01/21/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE          |
|------------|---------------------|--------------------|------------------------------|
| 000828535Y | Sustained           | 01/17/2024         | 7 West 24th Street Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION/RULE | RESULT    | PENALTY  |
|-----------|-----------|-------------------|-----------|----------|
| 1         | BA51      | 24 -163           | Sustained | \$350.00 |

**Findings of Fact & Conclusions of Law**

The respondent appeared by Lance Chebin.

The petitioner appeared by John McLaughlin.

The respondent denied the charge.

The petitioner submitted a credible copy of the redacted complaint form, photographs of the vehicle and video of the cited incident to corroborate the inspector's sworn statement.

The respondent argued that the engine had to be on because of the winter, freezing temperature; that engine had to be on to keep heat on.

The petitioner argued that respondent is a commercial vehicle; that respondent's argument only applies to school buses.

I find that the petitioner has established that the respondent was idling in violation of the cited section of law. The respondent did not provide a valid defense to the charge. I sustain.



01/21/2025

01/21/2025

**Natasha Pierre, Hearing Officer**

**Date**